Los Angeles County Sheriff's Department
Su, rvisor's Report on Use of)rce

Incident Information

URN:	005-01047-5640-058	Date:	08/03/2005	Time:	0820
Location:	29340 THE OLD ROAD				
City or Station:	SAUGUS, CA 91350				
Bureau/Station/Facility:	CUSTODY DIVISION / NCCF	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	MALONEY	SEAN	P.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	41	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	52	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	45	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	WESTFALL	MICHAEL	J.	SGT	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	SCHAFFER	RONALD	T.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	LICHTEN	RICHARD	

Watch Commander's Signature: Michael J Parker [signature] Emp #: [redacted]
LIEUTENANT, INTERNAL AFFAIRS BUREAU

Copy Provided to Employee by: ____________ Emp #: ____________

Supervisor Completing Form: MARSHALL W. BAIRD, SERGEANT Emp #: [redacted]
(Print)

Unit Commanders Signature: ____________ Emp #: ____________ Date Signed: ____________

PSTD Use Only

FO#

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN 005-01047-5640-058

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S1	E1	RH	NN	NK
S1	E1	PH	AB	NK
E1	S1	PP	NN	CH
E1	S1	FL	BR	BK
E1	S1	FL	AR	BR
S1	E2	RS	NN	NN
S1	E2	PK	NN	NN
E2	S1	OC	NN	NN
E2	S1	FL	BR	AR
S1	E3	RS	FR	HD
S1	E3	PH	NN	NN
E3	S1	CT	FR	AR
E3	S1	OC	NN	NN
S1	E4	PH	AB	FA
E4	S1	FL	BR	LE

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 005-01047-5640-058

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	OSTEEN	THOMAS	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	WHITE	CUSTODY DIVISION / NCCF	715 MODULE

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	604	180

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Directed Force / Significant Force
[X]			Directed Force [ ] Significant Force [X]

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	WHITE	CUSTODY DIVISION / NCCF	700 B-1

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	510	180

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
[ ]			Directed Force [ ] Significant Force [X]

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	GILL	DENNIS	P.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	WHITE	CUSTODY DIVISION / NCCF	700 B-1

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	601	215

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
[ ]			Directed Force [ ] Significant Force [X]

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [X] Female	[redacted]	CUSTODY DIVISION / NCCF	[redacted]

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
[ ]			Directed Force [ ] Significant Force [X]

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
[ ]			Directed Force [ ] Significant Force [ ]

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
[ ]			Directed Force [ ] Significant Force [ ]

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 005-01047-5640-058

Suspect Information

S1

Last Name: LOPEZ | First Name: JORGE | Middle Name: NMN

AKA Last Name: | First Name: "GORDO" | Middle Name:

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
NONE	NONE	21	506	02/07/1984	170	☐

Booking #: 8580608 | Primary Charge: 243(C)(2) P.C. | Secondary Charge: | Criminal History [redacted]

Hospital Admission? ☐ | Rec'd Treatment At: LCMC | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☒ NO | Substance: ____________ | Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
08/03/2005 & 08/04/2005	1332 HRS	☒	☒

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: | Primary Charge: | Secondary Charge: | Criminal History ☐

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☐ NO | Substance: ____________ | Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: | Primary Charge: | Secondary Charge: | Criminal History ☐

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case#: | Mental History ☐

Under Influence: ☐ YES ☐ NO | Substance: ____________ | Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:	Audiotape:	Videotape:
		☐	☐

See Other Side

Supervisor's Report on Use of Force

URN: 005-01047-5640-058

Non-Employee Witnesses (Continuation)

Last Name [redacted]		First Name [redacted]		Middle Name [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name		First Name		Middle Name
Street Address	City	Zip Code	Work Ph.	Home Ph.

INVESTIGATIVE SUMMARY
USE OF FORCE: SIGNIFICANT
IMPACT WEAPON / FRACTURED ARM
IAB CASE NUMBER FO2152091
005–01047-5640-058

On Wednesday, August 3, 2005, Sergeants Marshall W. Baird and Rick Smith of Internal Affairs Bureau responded to the North County Correctional Facility regarding a significant use of force, fractured arm. Internal Affairs Bureau Lieutenant Ben Seno also responded.

Deputies were in the process of escorting inmates out of dorm 711 to the day room, to conduct a routine search for weapons and/or contraband. As the inmates were filing out of the dorm, one inmate (Lopez) challenged the deputy's authority. The deputy attempted to handcuff the inmate, but he pulled away and swung his elbow and fists at the deputy. The inmate was pushed to the floor but that did not stop him from violently kicking and elbowing at the deputies. One of the deputy's pulled the suspect's arm behind him to handcuff him and while doing so heard a popping noise. The Office of Independent Review was notified, but did not respond.

The summary of this incident is based on information obtained from reports and other documents regarding NCCF file number 005-01047-5640-058, and inmate/suspect interview (Refer to Exhibit A).

INVOLVED PERSONNEL

OSTEEN, Thomas, Deputy #[redacted]
Custody Division
North County Correctional Facility

[redacted], [redacted], Bonus 1 Deputy, #[redacted]
Custody Division
North County Correctional Facility

GILL, Dennis, Bonus 1 Deputy, #[redacted]
Custody Division
North County Correctional Facility

[redacted], [redacted], Deputy, #[redacted]
Custody Division
North County Correctional Facility

Work History

OSTEEN, Thomas

Date of Employment	06-18-1999
Date Assigned to Custody	[redacted]
Date Completed Custody Training	[redacted]
Prior Founded Force incidents	[redacted]

[redacted], [redacted]

Date of Employment	04-02-1991
Date Assigned to Custody	[redacted]
Date Completed Custody Training	[redacted]
Prior Founded Force Incidents	[redacted]

GILL, Dennis

Date of Employment	07-20-2000
Date Assigned to Custody	[redacted]
Date Completed Custody Training	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted], [redacted]

Date of Employment	[redacted]
Date Assigned to Custody	[redacted]
Date Completed Custody Training	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT/INMATE

LOPEZ, Jorge MH/21, Booking #8580608
[redacted]

Inmate Jorge Lopez has a [redacted] A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Lopez (CII# [redacted]) [redacted] Please refer to Lopez' CCHRS printout attached in Exhibit A for additional details.

WITNESSES

DEPUTY WITNESS

MALONEY, Sean, Deputy #482269

Deputy Maloney was inside of dorm 711 assisting with a routine dorm search when he heard scuffling outside of dorm 711. When he exited the dorm, he saw Deputy Gill holding onto Lopez' left arm and Deputy [redacted] holding onto the right arm. Maloney said he grabbed his handcuffs and handcuffed Lopez without further incident.

Deputy Maloney said he did not use any force during the handcuffing procedure.

INMATE WITNESSES



[redacted] MW/[redacted] Bk #[redacted]
[redacted]

[redacted] MB/[redacted] Bk #[redacted]
[redacted]

[redacted], MH/[redacted], Bk #[redacted]
[redacted]
No phone

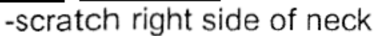
[redacted] MC[redacted] Bk #[redacted]
[redacted]

INJURIES

LOPEZ, Jorge
- -left upper arm, fracture
- -(2) bruises and swelling on the back of his head
- -(1) bruise on left eyebrow
- -(1) small cut on his nose
- -swollen lower lip, scrapes and bruises on his back and shoulder

OSTEEN, Thomas

-fracture to a knuckle on his right


[redacted], [redacted]

-scratch right side of neck
-soreness to neck and chin


[redacted], [redacted]

-scratch right cheek

Dr. Lafayette treated Inmate Jorge Lopez at LCMC for his injuries. Dr. LaFayette said that the injuries Lopez sustained were consistent with the force reported by the deputies.

PHYSICAL EVIDENCE

No physical evidence was collected at the scene and the Crime Lab did not respond.

INVESTIGATORS OBSERVATIONS

While interviewing Lopez we observed the injuries as previously described. The injuries to deputies and Inmate Lopez were photographed. Refer to Exhibit C and D.

WEAPONS USED BY PERSONNEL

Deputy Osteen, Thomas

Utilized control holds and sprayed the suspect with Freeze +P spray.

Deputy [redacted]

Utilized control holds, personal weapons (push to Lopez' chest) and his flashlight (two strikes to the elbow).

Deputy Gill, Dennis

Utilized control holds, Freeze +P and struck Lopez numerous times with his flashlight.

Deputy [redacted], [redacted]

Utilized control holds and struck Lopez numerous times with her flashlight.

WEAPONS USED BY INMATE/SUSPECT

Inmate/Suspect Jorge Lopez used his hands and feet to assault the deputies.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

No charges were filed against Lopez.

LIGHTING AND WEATHER CONDITIONS

Indoor facility with overhead florescent lighting.

INVOLVED EMPLOYEES' STATEMENTS

OSTEEN, Thomas, Deputy

Deputy Osteen was working as the 715 staff deputy when he responded to a fight outside of the 700 sergeant's office. When he arrived, he saw that Deputy [redacted] and Deputy [redacted] were attempting to handcuff Inmate Jorge Lopez (Suspect).

Osteen said that Lopez was in a crouched position, like that of a boxer, facing Deputy [redacted], swinging his fists and kicking. He said the deputies then managed to push Lopez to the ground, just outside the ramp on the first floor (***Refer to diagram of building 700, level one, Exhibit B***).

Osteen said even though the inmate was pushed to the floor, he did not stop from violently kicking at and elbowing the deputies. He said that Lopez was given orders several times to stop fighting, but refused. Seeing this Osteen moved in and attempted to place his left knee on Lopez's back to force his shoulders to the ground; however, Lopez continued to thrash about from side to side, which caused Osteen to loose his balance and strike the concrete floor with his right hand.

Osteen, with his full body weight now on the back of Lopez, deployed a three second burst of "Freeze + P" spray into his face. This had little or no affect and Lopez continued to struggle. Osteen then grabbed Lopez's left and forced his arm behind his back, and while doing so, Osteen said he heard a "snap" in the area of Lopez's left arm.

Osteen said Lopez continued to struggle and "violently" swing his right elbow backwards, striking him several times on the right hand and right leg. With the assistance of Deputies [redacted], Gill and Maloney, they were able to gain control and handcuff Lopez without any additional force.

Osteen said he immediately reported the use of force to Sergeant Rascon.

[redacted], [redacted] Deputy

Deputy [redacted] was working the bonus one position in building 700, assisting in a search of Dorm 711. While moving inmates in a single file line to the 710 day room, he heard Lopez say in a loud voice, "This is bullshit." [redacted] then instructed Lopez to "calm down" and keep walking. Lopez refused to comply and attempted to incite the other inmates by saying, "What a joke ay (sic), why are we doing this." In an effort to stop Lopez from instigating hostility inside of the day room [redacted] directed Senior Deputy Gill to have Lopez wait outside the day room.

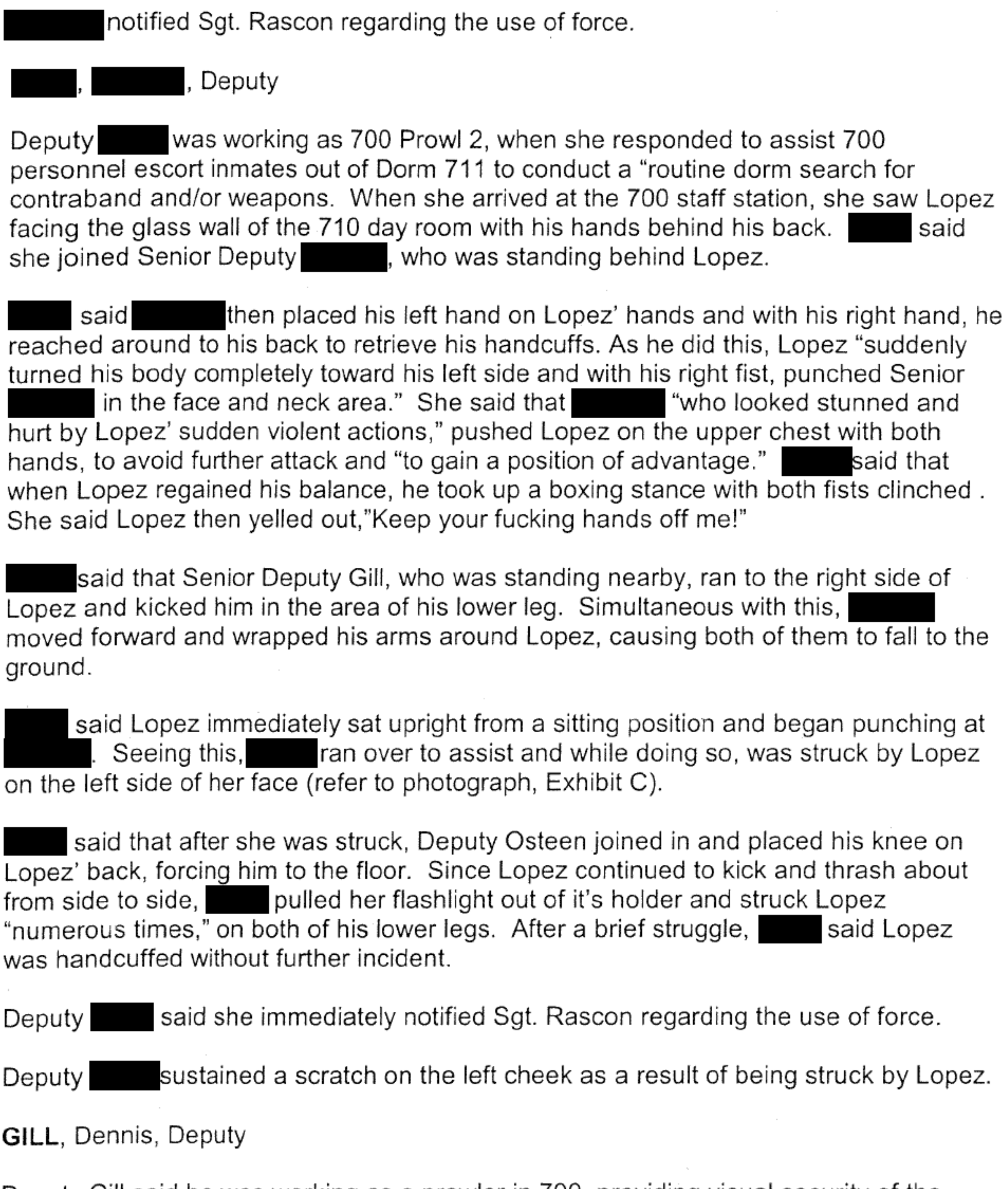
[redacted] said he then approached Lopez and had him place his hands behind his back. He then took hold of his hands with his left hand while reaching for his handcuffs with the right hand. As [redacted] unsnapped his handcuff case, Lopez pulled his right hand free and swung to the right, followed by his right arm. [redacted] said he took hold of Lopez's left wrist and pulled it towards him in an effort to gain control. Lopez continued to swing around and at some point the two ended up face to face. Lopez then struck [redacted] with his right fist in the neck and chin area. In an effort to create some distance between he and Lopez, [redacted] shoved Lopez in the upper body with both hands. As Lopez stumbled backwards, he raised both hands to his chest and clinched them into fists. When Lopez regained his balance, [redacted] said that Lopez then began moving toward him.

[redacted] said that as Lopez moved toward him, Senior Deputy Gill moved in and kicked Lopez's right thigh enough to throw him off balance. [redacted] was then able to wrap both arms around Lopez and pulled him to the floor. When Lopez hit the floor, [redacted] said he heard a sound which he believed was his head hitting the floor. Lopez immediately began struggling and twisting his body in an obvious attempt to break free.

[redacted] said even though he was lying on top of him, Lopez was able to roll over onto his stomach, and by using his arms, he pushed his upper body to an upright position. With the assistance of Deputies Gill and [redacted], they were able to push Lopez's body back down on the floor. [redacted] said he yelled several times, "Stop fighting." He said Lopez would not comply. He said Deputy Osteen then sprayed Lopez with his "Freeze + P," but this had little or no effect on Lopez. Osteen then moved forward and pushed Lopez onto his stomach. [redacted] said he yelled out to Lopez, "Just stay down and put your hands behind your back." In response, Lopez raised his right arm and struck Osteen on his right leg with his elbow.

[redacted] said this action exposed a primary striking action, so he hit Lopez' right elbow several times with his flashlight. He then thrust his flashlight into the right side of his back several times. This action caused Lopez to cease struggling and allowed the deputies to handcuff without further incident.

[redacted] said as a result of being struck by Lopez, the right side of his neck and chin were sore and he had a scratch on the right side of his neck.



[redacted] notified Sgt. Rascon regarding the use of force.

[redacted], [redacted], Deputy

Deputy [redacted] was working as 700 Prowl 2, when she responded to assist 700 personnel escort inmates out of Dorm 711 to conduct a "routine dorm search for contraband and/or weapons. When she arrived at the 700 staff station, she saw Lopez facing the glass wall of the 710 day room with his hands behind his back. [redacted] said she joined Senior Deputy [redacted], who was standing behind Lopez.

[redacted] said [redacted] then placed his left hand on Lopez' hands and with his right hand, he reached around to his back to retrieve his handcuffs. As he did this, Lopez "suddenly turned his body completely toward his left side and with his right fist, punched Senior [redacted] in the face and neck area." She said that [redacted] "who looked stunned and hurt by Lopez' sudden violent actions," pushed Lopez on the upper chest with both hands, to avoid further attack and "to gain a position of advantage." [redacted] said that when Lopez regained his balance, he took up a boxing stance with both fists clinched . She said Lopez then yelled out,"Keep your fucking hands off me!"

[redacted] said that Senior Deputy Gill, who was standing nearby, ran to the right side of Lopez and kicked him in the area of his lower leg. Simultaneous with this, [redacted] moved forward and wrapped his arms around Lopez, causing both of them to fall to the ground.

[redacted] said Lopez immediately sat upright from a sitting position and began punching at [redacted]. Seeing this, [redacted] ran over to assist and while doing so, was struck by Lopez on the left side of her face (refer to photograph, Exhibit C).

[redacted] said that after she was struck, Deputy Osteen joined in and placed his knee on Lopez' back, forcing him to the floor. Since Lopez continued to kick and thrash about from side to side, [redacted] pulled her flashlight out of it's holder and struck Lopez "numerous times," on both of his lower legs. After a brief struggle, [redacted] said Lopez was handcuffed without further incident.

Deputy [redacted] said she immediately notified Sgt. Rascon regarding the use of force.

Deputy [redacted] sustained a scratch on the left cheek as a result of being struck by Lopez.

GILL, Dennis, Deputy

Deputy Gill said he was working as a prowler in 700, providing visual security of the inmates in Dorm 711 from the 710 staff station, while the entire dorm was being escorted into the 720 day room for a "routine dorm search."

Gill said that midway through the movement, Suspect Lopez exited the dorm laughing

and talking. Seeing this, Gill ordered Lopez to step out of line and face the glass wall next to the day room so he would not further disrupt the movement.

Gill said [redacted] then came out of dorm 711 and made contact with Lopez. Gill said he "turned momentarily" to visually check the other inmates and when he turned back, Lopez was now facing [redacted] with both fists up and his feet squared off in a "boxing stance." As Lopez moved forward toward [redacted], Gill moved in and kicked Lopez in the right thigh area, just enough to throw him off balance.

Gill said that [redacted] then moved in and wrapped both arms around Lopez and forced him to the floor. When Lopez hit the floor, Gill said he heard a "thud," which he believed was Lopez' head hitting the concrete floor. He said that once Lopez was on the floor, he gave "numerous verbal orders," for him to stop fighting, but instead, Lopez attempted to push up off the ground and roll over on his side. Gill said that while Lopez was on the ground, he began kicking and throwing punches violently at all the deputies.

Gill said that when Deputy Osteen arrived, he (Gill) sprayed Lopez in the left side of face with a burst of Freeze Plus P spray, but this had little or no effect. Since Lopez continued to struggle and assault the deputies, Gill used his flashlight as a "weapon of necessity" and struck Lopez "numerous times" on his left elbow. After the strikes, Lopez began to comply and Gill, along with the assistance of the other deputies, were able to gain control and handcuff Lopez.

Gill also said that at the time of the incident, "there was a lot of struggling with Lopez to handcuff him." He said flashlights had to be used as a weapon of necessity and was unaware of any other actions taken by [redacted], [redacted] or Osteen.

Gill said he advised Sergeant Rascon regarding the use of force as soon as the situation was resolved.

WITNESSES STATEMENTS

[redacted]

Inmate [redacted] said he was walking down the ramp to the 710 staff station when he heard what he described as an "altercation." When he got to the bottom of the ramp, he saw Lopez and a deputy "scuffling" on the floor. He also said he heard the deputy say "stop resisting, put your hands behind your back." [redacted] said it did not appear that Lopez was cooperating and believed he was resisting the efforts of the deputies to control the situation. [redacted] said he did not see anything else.

[redacted]

Inmate [redacted] said he was serving food to the day trustees when he heard

Lopez began to talk loud. He then saw Lopez make a "sudden move," and strike Deputy [redacted] in the face. [redacted] said he did not see anything else.

[redacted]

Inmate [redacted] said he saw the "Senior Deputy" walk Lopez out of the dorm. He said he heard the deputy tell Lopez not to talk. [redacted] said that Lopez then pulled away from the deputy and took a swing at him. He saw the other Senior Deputy grab Lopez and take him to the ground. He did not see anything else.

[redacted]

Inmate [redacted] said he standing near the 710 staff station cleaning, when he heard a "commotion." He said that out of the corner of his eyes, he saw Lopez push one of the deputies, but wasn't sure which one it was. He claims he did not see anything else.

INMATE/SUSPECT STATEMENTS

LOPEZ, Jorge, BK #8580608

Lopez initially said that he had an accident. He then admitted that he had been involved in a fight with the deputies, but did not take a swing at them. Lopez said the incident began when one of the deputies grabbed his arm. He said after the deputy grabbed him, he pulled away.

Lopez said that after the deputies forced him to the floor, he was hit on his elbow with a flashlight. He said he never resisted.

Lopez said he was subsequently transported to L.C.M.C., where he was told that his arm was broken.

MISCELLANEOUS SECTION

None.